



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,242	04/05/2000	Walton Sumner II	112962.201	6241

24395 7590 11/06/2002

HALE & DORR LLP
THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004

EXAMINER

DAVIS, GEORGE B

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HALE AND DORR LLP Wash, DC

Base Date: _____

Call Up Date: 1/6/03

Due Date: 2/6/03 Resp. to OA

Final Date: 5/6/03

Ext. _____ Dkt'd By gla

Office Action Summary

Application No.

09/521242

Applicant(s)

Summer II et al

Examiner

George Davis

Group Art Unit

2121

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 8/29/02 and 11/9/01

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-49 is/are pending in the application.

Of the above claim(s) 28-33, 38-40 and 44-49 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27, 34-37 and 41-43 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

Art Unit: 2121

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CAR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: applicant Michael D. Hagen has two post office address.

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CAR 1.63© and 37 CAR 1.76.

Drawings

2. The drawings are objected to because 1, 3, 8-11, 16, 17, 19, 21 and 28 arrow heads should be drawn to show the input or output to each device; figure 19, shaded area in the middle of the figure is not readable; delete explanations on figures 19-24 and if these explanations are of importance include them in the specification; figures 22 and 23, holes through text; figure 28,

Art Unit: 2121

text is not readable; figures 13 and 14, labeling texts should be inside the elliptic shape devices and figures 1-18 should be labeled as prior art (see Pat. No. 6246975 and Sumner's prior art article (figure 1)). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27, 34-37 and 41-43 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sumner II et al, "Simulating Patients with Parallel Health State Networks", Proceedings of the American Medical Informatics Association Annual Symposium, 1998.

Claims 1-27, 34-37 and 41-43 are taught by Sumner II (see ABSTRACT, INTRODUCTION, METHOD, RESULTS and Figure 1).

Art Unit: 2121

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Davis whose telephone number is (703) 305-3891. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

~~Any inquiry of a general nature or relating to the status of this application or proceeding~~ should be directed to the receptionist whose telephone number is (703) 305-3900.

November 2, 2002



GEORGE B. DAVIS
PRIMARY PATENT EXAMINER